VIRGINIA: IN THE COURT OF APPEALS OF VIRGINIA

BRIAN DAVID HILL,	)	
APPELLANT,	)	CASE NO: 1424-22, 1425-22, 0313-23-3, 0314-23-3, 0317-23-3, 0289-22-3, 0290-22-3
v.	)	
COMMONWEALTH OF VIRGINIA,	)	**DECLARATION OF BRIAN DAVID HILL IN SUPPORT OF EMERGENCY REQUEST/LETTER TO JUSTIN HILL OF OFFICE OF THE ATTORNEY GENERAL; REQUESTING DELAY OF APPEALS OR WRITTEN PERMISSION FROM COMMONWEALTH OF VIRGINIA TO PARTICIPATE IN APPEALS - RE: Case nos. 1424-22, 1425-22, 0313-23-3, 0314-23-3, 0317-23-3, 0289-22-3, 0290-22-3**
CITY OF MARTINSVILLE,	)	
APPELLEES(s),	)	

DECLARATION OF BRIAN DAVID HILL IN SUPPORT OF EMERGENCY REQUEST/LETTER TO JUSTIN HILL OF OFFICE OF THE ATTORNEY GENERAL; REQUESTING DELAY OF APPEALS OR WRITTEN PERMISSION FROM COMMONWEALTH OF VIRGINIA TO PARTICIPATE IN APPEALS - RE: Case nos. 1424-22, 1425-22, 0313-23-3, 0314-23-3, 0317-23-3, 0289-22-3, 0290-22-3

Respectfully attached to letter,

This the 19th/20th day of June, 2023.

Brian D. Hill
Signed

Brian D. Hill

Brian D. Hill
Defendant
Former news reporter of U.S.W.G.O. Alternative News
Ally of Q
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Pursuant to the Virginia Code § 8.01-4.3. “Unsworn declarations under penalty of perjury; penalty.”, Appellant Brian David Hill hereby state to Appellee(s) the statement of facts as under penalty of perjury,

1. I am Brian David Hill, Appellant in the case nos. 1424-22, 1425-22, 0313-23-3, 0314-23-3, 0317-23-3, 0289-22-3, 0290-22-3.

2. I am typing this Declaration/Affidavit in support of the letter being sent to Justin Hill, the letter dated June 19, 2023 because that was the date it was typed up. The purpose of the letter and this Declaration/Affidavit, is to make sure that the Commonwealth of Virginia and the Attorney General of Virginia are comporting with protecting my constitutional rights to Due Process of Law including Substantive Due Process of Law and Procedural Due Process of Law. The sole purpose of Government is to protect our Constitutional rights, not take them away with making excuses. The founding fathers would be turning in their graves wanting to come back to life to deal with what has happened to America. The government seems to be at war with the Constitution, in my opinion.

3. On or about February 24, 2023, I was charged with criminal contempt of court for essentially accusing the Hon. Giles Carter Greer (Circuit Court Judge in Martinsville) of fraud in three notices of appeal filed in February 2023. I had never lied in my allegations of Judge Greer, but the contempt charge was purely based on authorization by a statute giving a judge the statutory ability to charge me with

contempt for what the judge viewed as vile, contemptuous, or insulting language. We have a First Amendment in the Constitution of the United States of America, and this IS NOT NORTH KOREA, this is NOT COMMUNIST CHINA. This is supposed to be America, land of the free, and as long as you can prove your innocent of a crime then justice requires that you not be punished. What has happened to America??? I do not believe I had broken any law because I had never threatened harm against the judge, I had never advocated violence against the judge, and I had never lied about the judge. So what excuse can the Government use to take away my First Amendment right??? I don't know but it seems like America is heading for ruin just like a third world country. The reason in my opinion for the charge is because I believe I had offended Judge Greer and have heard from other people that this judge may have a history of charging his critics with contempt charges. YEAH, what a free country for a judge to charge his critics with contempt charges??? Criticism is all what America is about, the right to debate and criticize. That was the old America, the America I used to know. I won't be celebrating the fourth of July anymore to protest what America has become, like Communist China. However, I believe what I had argued in my three notices of appeal were protected under the First Amendment of the United States Constitution, Bill of Rights which gives somebody the right to criticize the Government when you believe as a citizen that the government had done something wrong to you or

somebody you know. Appealing is a constitutionally protected right under the Due Process Clause and the First Amendment of the U.S. Constitution. Retaliation against a protected first amendment activity is supposed to be against the Constitution or against the law. Appealing is a form of critiquing or criticizing a judge's decision in the handling of a case in a court of law, and asking a higher court to review over what errors were made. I did write a letter to the judge back in February 26, 2023, apologizing about offending the judge to deescalate the situation. It didn't deescalate and the case continued forward. Case number for that contempt case was: CR19000009-01. Sorry for the ranting in this paragraph but I am starting to feel that America is a disappointment with a judge being given too much power to go after a critic for exercising peacefully his/her freedom of speech. America has become as bad as Great Britain of taxation without representation before 1776 in my opinion. America isn't appearing to be a free country anymore. I can't salute the flag anymore, because to me (because I can't file pro se for six months over one mistake of being a critic) justice has become an illusion to me and my family, a fantasy that I will never be able to obtain no matter what evidence or case law I use. I am ranting because freedom of speech is gone, America is devolving into communism ideology of taking away Constitutional rights of an individual for the community, for the collective.

4. I was appointed Fred Smith, an attorney, for my defense in the contempt of court criminal case, case number: CR19000009-01. When I had my first meeting with him, he gave me a stern look in front of me and witnesses Roberta Hill, Kenneth Forinash, and Stella Forinash. He said when he read over the notices of appeal and the contempt of court charge, he argued that he would have been lost his law license (disbarred) if he had argued what I had argued in my notices of appeal. While the Commonwealth Attorney can openly destroy evidence in response to court orders and never get in trouble. Just like how Hunter Biden can smoke crack cocaine in Virginia, never face prosecution, and get away with it because he is the President's son. The government usually can commit whatever crimes they want to and never face a criminal trial or faces a different trial under a different set of rules than the rest of the citizens.

5. First court hearing over the contempt charge was on March 3, 2023. The judge said at the hearing: "after you read them, you are going to want to recuse yourselves", referring to the notices of appeal printed out. Judge also said at the hearing: "You are going to want to make this a priority". The Commonwealth Attorney Glen Andrew Hall did recuse himself as the judge did an order for a special prosecutor. I rather not know who he is and I rather not know his name. I have gone through enough retaliation and I don't need to get myself in more barbed wire of retaliation.

6. The next appointment meeting noted in this Declaration/Affidavit, that is the appointment with Attorney Fred Smith at his office was on March 9, 2023. Roberta Hill, Stella Forinash, Kenneth Forinash, and myself were present at this meeting. He made it clear verbally that he will not present a First Amendment defense in my contempt case, that he refuses to even present this defense. Without a first amendment challenge, I am at risk of being found guilty of contempt of court under some technicality or twisting of my words because a Constitutional challenge is the only usual remedy for a statutory charge since the Constitution is supposed to override statutes when a statute violates the Constitution. See *Marbury v. Madison*, 5 U.S. 137 (1803). This lawyer had refused to protect my First Amendment right to criticize a judge for not charging Glen Andrew Hall for contempt of court for him not complying with multiple court orders requesting discovery but instead the judge charges me for simply pointing out the obvious two-tiered justice system I had been through. Theoretically, I can get held accountable for not complying with any court order, but when I have evidence of willful non-compliance by the Commonwealth's Attorney Glen Andrew Hall, the judge refuses to hold that party accountable simply because he is an attorney for the Commonwealth of Virginia. I don't understand why the laws don't apply to everybody. I thought they did, that was the rule of law, hold everybody accountable, even the Government. The witnesses have heard it what Fred Smith had said, I have evidence of what this attorney told me at that

meeting. I will not say any further what evidence I have, but I have evidence that this attorney will not fight for my First Amendment right to the contempt of court charge. I didn't lie about the judge at all, so there was no defamation. I didn't threaten harm against the judge, so the charge was over me simply telling the truth and the way I told the truth had offended Judge Greer. So, if I tell the truth, I get in trouble. What am I supposed to do, LIE??? Theoretically, are people supposed to lie in court since telling the truth gets people retaliated against??? In a free country I can tell the truth, but in a communist country I have to keep my mouth shut. I have to know my place and shut my face, as a poster had shown where the government tells the citizen to be "Quiet! Know your place, shut your face". I feel like I have to shut my face, that I cannot tell the truth in this supposed free country.

7. At another meeting, Attorney Fred Smith at his office was on March 9, 2023, had also admitted what the contempt of court charge was about, which was why I had described above what the charge was about. I think I remember my family or me asking at the meeting what the contempt charge was about. He told me and my family that it was because I had accused the judge "of fraud". Yes, it was because I had accused Judge Greer of fraud. I didn't lie, I wasn't accused of lying or defamation. I never threatened harm against the judge. Simply I had told the truth about the state of affairs in my criminal case. So, I was charged with

contempt for accusing the judge of fraud, truthfully, but this same attorney Fred Smith said that he would not present a First Amendment defense or challenge.

8. I was concerned that the very judge I had accused of fraud in his court was presiding over the contempt of court case as the judge would be partial since the accusation against the very judge presiding over the contempt proceedings. He expressed concern for a need of a special prosecutor in my contempt case but did not express that he himself as the accused judge should not participate through the proceedings of the case. It should have been under a different judge or different courthouse (if there is only one presiding trial judge) according to the rules of the Supreme Court of Virginia.

a. Canon 1 - A Judge Must be Impartial, Va. R. Sup. Ct. Canon 1 (“D. Recusal or Disqualification 1. A judge must recuse himself or herself in a proceeding in which the **judge's impartiality might reasonably be questioned**, including but not limited to instances where: (a) the judge is cognizant of a **personal bias or prejudice concerning an issue**, a party or a party's lawyer, or **personal knowledge of disputed evidentiary facts concerning the proceeding**; (b) the judge served as a lawyer in the matter in controversy; (c) a lawyer with whom the judge previously practiced law personally and substantially participated in the matter as a lawyer while

associated with the judge; (d) **the judge is a material witness in the matter**;")

9. I had asked Roberta Hill to express these concerns in email to attorney Fred Smith or his staff person. *The email missaid Danville instead of Rocky Mount when it referred to Franklin County, but I asked her to type it up quickly, a mistake was made*. One such email said:

-------- Forwarded Message --------
Subject: Re: Brian David Hill, court appointed attorney
Date: Fri, 3 Mar 2023 11:00:03 -0500 (EST)
From: ROBERTA HILL <rbhill67@comcast.net>
To: anita@freddsmithjrpc.com
Also another issue my son and his grandmother and grandpa has been the conflict of interest here.

Judge Greer felt offended or angered about what was in the notices of appeal.

[Email contents partially omitted]
[Email contents partially omitted]

This judge is angry at Brian for the truthful things he said in his Notices of Appeal. Brian doesn't think he will get a fair trial since the allegations came from Judge Greer. Brian asks for a change of venue to Danville, Virginia, since Judge Greer doesn't have connections there. He has connections in Rocky Mount. He has connections possibly in Danville and Franklin County, but he does not have connections with people in Danville.

So my son would like for a change of venue. Please get this done as soon as possible.

The hearing will be next Friday. Please email me back as soon as possible. My son will try to call you.

Thanks,
Roberta

10. I also typed up a letter to Attorney Fred Smith entitled: "LETTER TO ATTORNEY FRED SMITH", dated Monday, April 10, 2023, where I again expressed concern that the Circuit Court for the City of Martinsville would not act impartially and expressed the need for a change of venue. Here I am excerpting part of the letter and I quote (citations omitted) from pages 9 and 10 of letter:

> So the Virginia Constitution and U.S. Constitution requires impartiality in criminal trials. That a trier of fact remain impartial. Since I made an allegation, based on evidence of fraud, against Judge Greer, he will not be impartial. He needs to recuse himself or there needs to be a change in venue.
> My family researched how well connected this judge is. He is connected to Franklin County, Roanoke County, Martinsville, Henry County, and Patrick County. We do not believe he is connected to anybody in Danville. We believe Danville will be a fair venue and would not be too far from my location. It takes about 35-45 minutes to get to Danville by vehicle.
> I ask that if the special prosecutor does not agree to let me file in the federal court system and continue my supervised release 2255 case which is still pending, that I been given a change of venue to face trial in Danville. You know I will not have a fair trial. With my allegations, I became a target two months ago. Judge Greer made me a target. He hates me, he made it known somehow that he is out to get me by wanting a jury trial which is unheard of for a contempt of court case. You told me this over the

phone that he wanted a jury trial for a 11 day jail sentence case. The Constitution at minimum does not guarantee a jury trial unless the jail sentence is six months or more.
Judge Greer is clearly out to get me, and the threatening email says that they have Martinsville. They have the drug houses, and there appears to be some kind of criminal corruption in the City of Martinsville.
So it is clear that if this cannot go away with state probation allowing me to participate in my federal case, and bar me from participating in the federal court system to finish my federal case, then I must be allowed to request venue change to Danville or any other county which Judge Greer has no connections with, has no personal friends or any financial connections with.

11. The attorney Fred Smith never did address my concerns for a change of venue or request recusal due to the issues which may require disqualification of judge Greer despite the concerns for my legal rights, due process rights, and constitutional rights at stake here. This contempt case from the very beginning is a constitutional crisis and deprives me of my statutory right to appeal a judge's verdict or order.

12. On or about April 13, 2023, I had another meeting at the office of Attorney Fred Smith with my mother Roberta Hill. He expressed verbally to me and my mother that he had some kind of conversation (written or oral or both) with the special prosecutor and had agreed to have the contempt case dismissed if I agree to the special condition not to file in the state court for six months. I am assuming that he also applies this condition to the Court of Appeals of Virginia and even the

Supreme Court of Virginia. Because this attorney would not change venue and would not get me in front of an impartial judge when this attorney told me over the phone that Judge Greer wanted a jury trial for the contempt case which was unusual to be undertaking, I had no choice but to agree to the special condition in order for the contempt case to be dismissed.

13. On or about April 13, 2023, I felt I had no other choice (as he would not give me a First Amendment defense), I would lose because of an angry judge with a court appointed attorney who would refuse to present a Constitutional first amendment challenge. I had no choice but to verbally agree to not file in the state courts for six months. This started in April 13, 2023. The attorney then stated that the case would be continued for six months, both agreed to this continuance, and that after six months of me not filing anything in the state courts (including Appeals), that the case would be dismissed. The end of the 6 months would be on October 13, 2023. The next hearing date where the special prosecutor had agreed to dismiss the contempt case (that is what I understand from what Fred Smith had told me) if I agree not to file for six months, that hearing would be on the date of October 23, 2023. This came from Attorney Fred Smith, and from what he had told me and Roberta Hill, that seems to be the agreement. Because he had received my letter entitled: “LETTER TO ATTORNEY FRED SMITH”, dated Monday, April

10, 2023, he did express that I can still file in the Federal Court system but not in the state court, meaning the Virginia courts.

14. On May 22, 2023, I received an envelope by UPS, from "Wendy MacDonald, (804) 823-6345, Office of Attorney General, 202 N. Ninth Street, Richmond, VA 23219 to myself. I also saw a "DOCUMENT SUBMISSION SUMMARY" of what the Office of the Attorney General had filed with the Court of Appeals of Virginia by e-filing. It appears that they had filed three documents. I was only served with the "Brief of the Commonwealth" which was in the envelope. I did not see any other pleadings in the envelope. I did not see the "Motion for Extension of Time" and "Motion to Consolidate". So those two motions were filed but I was not served with either of those motions. Those motions were not served on Appellant, which is myself. I couldn't inform the Court of Appeals of Virginia about it because it may breach the agreement between me and Fred Smith when he made an agreement with the special prosecutor to dismiss the contempt of court case in the Circuit Court for the City of Martinsville. So, when Justin Hill or his assistant or whoever, had e-filed the "Hill 1244, 1245 – Motion for Extension.PDF", and "Hill – Motion to Consolidate all 7.PDF" with the Court of Appeals of Virginia, they did not serve me those pleadings which were two motions. I thought that was weird not to be served with all three pleadings. I feel like they may know that I cannot file and can get away with anything. Because

government can commit as many crimes and do as much wrong as they wish. They don't have to follow any rules, who needs rules right??? The law doesn't apply to the government but only applies to the serfs, the citizens.

15. I do disagree with consolidating all appeals because I haven't had an opportunity to ask to consolidate the three appeals filed in 2023, and didn't get a chance to file one brief over the initiation of the three notices of appeals filed in 2023.

16. I can't just simply tell the Court that I cannot file for six months because it may mess up the agreement between me and court appointed attorney Fred Smith. I had tried to warn the court previously that I may not be allowed to file pro se for six months, and asked for an extension of time but that had failed but if I file something, then I risk being given a rigged jury trial then to be jailed for contempt with a partial/biased judge with a court appointed lawyer who refuses to present a First Amendment defense which would constitutionally protect me from being convicted on contempt on legal grounds. As long as I don't actually disrupt the court proceedings which I did not do so as the contempt charge wasn't over disrupting. The charge was purely over me telling the truth but it offended the judge when I told the harsh truth. Telling the truth is not supposed to be illegal in the United States of America because we have Freedom of Speech, the right to tell the truth in a court of law even when telling the truth offends the judge. The truth is not

a crime, and all courts of law are supposed to be about telling the truth, honoring the truth, and about presenting facts and arguments of law. Not about lies, puppet shows, and deceit. So, I risk 11 days of jail/imprisonment after a rigged jury trial if I file pro se in the state court which may include the Court of Appeals of Virginia with a rigged court appointed lawyer with a rigged partial tribunal. I know and understand that it is all set up, and I have no power. I am just a serf, that I am a nobody who can be squashed like a bug in a forest by the giants.

17. I used a date calculation tool on my computer to see when the six months end for me to be allowed to file pro se in the state courts. The date calculation tool says that April 13, 2023, and October 13, 2023 is six months to be exact from the date I had verbally agreed.

18. On or about April 13, 2023, I had verbally agreed not to file pro se in the state courts in order to not be wrongfully convicted with contempt of court for telling the truth about the judge in that court. I had made a verbal agreement, which under contract law may be construed as a verbal contract between me and my lawyer, and this agreement is that I not file for six months in order to not be wrongfully convicted of contempt. Because I made this verbal agreement, which may legally be construed as a verbal contract witnessed by Roberta Hill who can attest to this verbal contract or agreement. I have to abide by this agreement and

once the six months have passed, then I can file in the Court of Appeals of Virginia or any State Court regarding any of my pending appeals.

19. I hope that this Affidavit/Declaration will be sufficient to the Office of the Attorney General to constitute that my constitutional rights are important as me being an Appellant. I did not waive my right to my appeals. I did not waive my appeals on April 13, 2023. The only thing I had to agree to with my lawyer Fred Smith was not to file pro se in the state courts. I did not waive my right to appeal, I did not waive my right to finish my pending appeals pending before the Court of Appeals of Virginia. I still retain my rights to procedural and substantive due process of law. It is a timeout period where I do not file pro se for a certain period of time. So, I am in a timeout period and hope that the Court of Appeals of Virginia and Justin Hill respect this timeout period while protecting my procedural due process of law and substantive due process of law. I hope Justin Hill will do the right thing. If I can't get any justice at all, then I will forever lose faith in the courts, and will no longer celebrate the Fourth of July because then it means nothing to me, because I will never truly be free again.

I am concerned here, extremely concerned. Free Speech is going away.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 20, 2023 between 1-2AM.

Brian D. Hill
Signed
Brian D. Hill

_____

Brian D. Hill
Defendant
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